

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILLY KIRBY,

Defendant.

2:21-cr-00313-APG-BNW

**Preliminary Order of Forfeiture**

This Court finds Billy Kirby pled guilty to Count One of a One-Count Criminal Information charging him with conspiracy to commit health care fraud in violation of 18 U.S.C. §§ 1347(a)(1) and 1349. Criminal Information, ECF No. \_\_; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds Billy Kirby agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. \_\_; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which Billy Kirby pled guilty.

The following property is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1347(a)(1), a specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7)(F), involving a Federal health care offense as defined in 18 U.S.C. § 24, or 18 U.S.C. § 1349, conspiracy to commit such

1 offense or (2) property, real or personal, that constitutes or is derived, directly or indirectly,  
2 from gross proceeds traceable to the commission of 18 U.S.C. §§ 1347(a)(1) and 1349, a  
3 Federal health care offense as defined in 18 U.S.C. § 24, and is subject to forfeiture pursuant  
4 to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(a)(7):

5 1. \$499,440.70

6 (all of which constitutes property).

7 This Court finds that on the government's motion, the Court may at any time enter  
8 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
9 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and  
10 32.2(b)(2)(C).

11 This Court finds the United States of America is now entitled to, and should, reduce  
12 the aforementioned property to the possession of the United States of America.

13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
14 DECREED that the United States of America should seize the aforementioned property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
16 rights, ownership rights, and all rights, titles, and interests of Billy Kirby in the  
17 aforementioned property are forfeited and are vested in the United States of America and  
18 shall be safely held by the United States of America until further order of the Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
20 of America shall publish for at least thirty (30) consecutive days on the official internet  
21 government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
22 describe the forfeited property, state the time under the applicable statute when a petition  
23 contesting the forfeiture must be filed, and state the name and contact information for the  
24 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)  
25 and 21 U.S.C. § 853(n)(2).

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
27 or entity who claims an interest in the aforementioned property must file a petition for a  
28 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which

petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth  
Assistant United States Attorney  
James A. Blum  
Assistant United States Attorney  
501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED January 11, 2022.

  
UNITED STATES DISTRICT JUDGE